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Rosario: New York's mistakes are St. Paul's lessons

By Rubén Rosario

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New York City, late summer 2004.

The Republican National Convention kicks off in Manhattan, Ground Zero for the deadliest act of terrorism in American history.

Placing that convention in that locale with Sept. 11, 2001, wounds still fresh was just itching for trouble. You have to come from there to truly feel that pain.

Big Apple cops, some of whom I still count as friends, as well as extended family members, braced for massive crowds, some peaceful and some bent on disruption, if not violence. Police arrested a record 1,800 people during the Aug. 30-Sept. 2 convention — 1,100 alone on the last day of August.

Is this what awaits St. Paul in the days after cops arrested nearly 300 — from hell-bent anarchists to reputable journalists? Maybe not. Too early to tell.

Indeed, there were no major acts of terrorism or significant violence in 2004 — a success by law enforcement and public safety standards, from the front-line uniformed grunt to the top commander.

But there were consequences we should keep in mind as the 2008 RNC plays out in St. Paul, our town.

More than 90 percent of those New York arrests eventually were dropped, dismissed or thrown out of court. I don't care what side of the political or ideological spectrum you're on — that should signal major concern for us all.

Predictably, lawsuits — many lawsuits — followed. To date, New York, which is self-insured to cover such claims, has paid \$694,000 to settle 35 of the 605 suits filed. (That's just shy of \$20,000 per claimant, so far.) The final tab is anyone's guess.

Will St. Paul follow suit? Perhaps not. For two reasons.

First, local law enforcement prepared to expect the unexpected, based on lessons learned not only from New York but also the recent convention hosts of Philadelphia and Boston. And second, St. Paul avoided the costly experiences of those cities and took out an insurance policy to protect taxpayers.

A DEAL OVER THE RNC

That preparation notably included Michael Hillman, a four-decade Los Angeles cop. Hillman, one of the nation's foremost law enforcement experts on crowd control and legal authority, prepped local officials until a month ago.

St. Paul Police Chief John Harrington told me Hillman's best lesson was to establish a mobile cop response unit that would respond not only to flashpoints but also focus on the troublemakers.

Instead of the blanket-arrest approach that New York adopted in 2004, Hillman pressed police to target the instigators of violence.

"For example, if there are 15 people protesting and confronting police at a place, our people were instructed to focus on and target the person hurling

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rocks from behind that crowd," Harrington told me.

Most of Monday's arrests were members of anarchist groups who either hid among peaceful demonstrators or snaked their way through crowds and shattered downtown windows, Harrington said.

Harrington would not directly comment on circumstances surrounding the arrest of a handful of journalists, including Democracy Now! co-host Amy Goodman. Video of her arrest has been broadcast nationwide.

Few people know that the city of St. Paul brokered more than a year ago an unprecedented deal to indemnify itself — for up to \$10 million — from any claims or lawsuits arising from contracted police action during the RNC.

What would eventually be established as the RNC host committee reluctantly agreed in January 2007 to pay \$1.1 million in insurance premiums to cover potential legal costs stemming from litigation over contested arrests or other actions committed by police — either the St. Paul force or other officers brought in for the convention.

That essentially means local, county and even state taxpayers won't pay one penny for such civil litigation unless the amount exceeds the overall \$10 million figure.

DOING BETTER IN ST. PAUL

St. Paul City Attorney John Choi said the unprecedented agreement was hammered out one frigid day in January 2007 after nearly 12 hours of intense negotiations in a St. Paul Hotel conference room.

The settlement came minutes before the city's 1 a.m. bar closing at the hotel's St. Paul Grill.

"I have to first credit the (St. Paul) mayor, Chris Coleman, who kept insisting on us to push for this," Choi said Tuesday. "It took a long time, but we entered into an agreement and had just minutes left to celebrate over a drink before the 1 a.m. cutoff."

I don't think St. Paul 2008 will turn out to be New York 2004.

An arrest — proper or not — does not automatically translate into litigation.

Local cops — known personally or through work — are among the most ideally professional I have ever encountered. Yet, in the heat of the moment, things can erupt. The arrest of Goodman, based on what I have seen on video, is one such example.

There may be litigation, like that still playing out in New York.

But I'd expect better.

This is St. Paul, by God, named after a saint martyred and beheaded for his beliefs in a higher authority.

I hope that big-picture lesson isn't lost on both police and troublemakers while this political circus continues in town.

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